



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83706-1255 • (208) 373-0502

Dirk Kempthorne, Governor  
Toni Hardesty, Director

September 9, 2005

**Certified Mail No. 7005 0390 0003 2967 8588**

Darwin Pugmire  
Idaho Power Company  
1221 W. Idaho St.  
Boise, ID 83702

RE: Facility ID. 039-00024, Idaho Power Evander Andrews Complex, Mt. Home  
Final Tier I Operating Permit

Dear Mr. Pugmire:

The Idaho Department of Environmental Quality (DEQ) is issuing Tier I Operating Permit No. TI-020041 for the Evander Andrews Complex in Mountain Home in accordance with IDAPA 58.01.01.300 through 386, *Rules for the Control of Air Pollution in Idaho (Rules)*.

The enclosed permit is effective immediately, summarizes the applicable requirements for your facility, and requires an annual compliance certification for all emissions units.

The enclosed operating permit is based on the information contained in your permit application, received on September 20, 2002, as amended on March 18, 2005. Modifications to and/or renewal of this operating permit shall be requested in a timely manner in accordance with the *Rules*.

A representative of the Boise Regional Office will contact you regarding a meeting with DEQ to discuss the permit terms and requirements. DEQ recommends the following representatives attend the meeting: your facility's plant manager, responsible official, environmental contact, and any operations staff responsible for day-to-day compliance with permit conditions.

Pursuant to IDAPA 58.01.23, you, as well as any other entity, may have the right to appeal this final agency action within 35 days of the date of this decision. However, prior to filing a petition for a contested case, I encourage you to call Bill Rogers at (208) 373-0437 to address any questions or concerns you may have with the enclosed permit.

Sincerely,

Martin Bauer, Administrator  
Air Quality Division

MB/BR/sd

Permit No. TI-020041

Enclosure

bc:     June Ramsdell, Boise Regional Office  
         Tim Trumbull, Boise Regional Office  
         Ken Hanna, Permit Writer  
         Bill Rogers, Permit Coordinator  
         Marilyn Seymore/Pat Rayne, Air Quality Division  
         Laurie Kral, EPA Region 10  
         Joan Lechtenberg, Public Comment  
         Source File  
         Permit Binder  
         Phyllis Heitman (Ltr Only)  
         Reading File (Ltr Only)



**Air Quality  
TIER I OPERATING PERMIT**

**State of Idaho  
Department of Environmental Quality**

**PERMIT No.:** T1-020041

**FACILITY ID No.:** 039-00024

**AQCR:** 63

**CLASS:** A

**SIC:** 4911

**ZONE:** 11

**UTM COORDINATE (km):** 603.0, 4781.3

**1. PERMITTEE**

Idaho Power Company

**2. PROJECT**

Evander Andrews Complex

**3. MAILING ADDRESS**

1221 West Idaho Street

**CITY**

Boise

**STATE**

ID

**ZIP**

83702

**4. FACILITY CONTACT**

Greg Hall

**TITLE**

Mechanical Engineer

**TELEPHONE**

208-388-2506

**5. RESPONSIBLE OFFICIAL**

Darwin Pugmire

**TITLE**

General Manager – Power Production

**TELEPHONE**

208-388-2200

**6. EXACT PLANT LOCATION**

1862 Mashburn Rd, Mountain Home, ID 83647

**COUNTY**

Elmore

**7. GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS**

Electric power generation

**8. PERMIT AUTHORITY**

This Tier I operating permit is issued pursuant to Idaho Code §39-115 and the Rules for the Control of Air Pollution in Idaho, IDAPA 58.01.01.300 - 386. The permittee shall comply with the terms and conditions of this permit.

This permit incorporates all applicable terms and conditions of prior air quality permits issued by the Department of Environmental Quality (DEQ) for the permitted source, unless the permittee emits toxic pollutants subject to state-only requirements pursuant to IDAPA 58.01.01.210, and the permittee elects not to incorporate those terms and conditions into this operating permit.

The effective date of this permit is the date of signature by DEQ on the cover page.

~~NOT FOR REPRODUCTION~~

TONI HARDESTY, DIRECTOR

DEPARTMENT OF ENVIRONMENTAL QUALITY

**DATE ISSUED:** September 9, 2005

**DATE EXPIRES:** September 9, 2010

## Table of Contents

ACRONYMS, UNITS, AND CHEMICAL NOMENCLATURE.....	3
1. TIER I OPERATING PERMIT SCOPE .....	4
2. FACILITY-WIDE PERMIT CONDITIONS .....	5
3. COMBUSTION TURBINES .....	12
4. FUEL HEATER .....	27
5. EMERGENCY FIRE PUMP .....	29
6. INSIGNIFICANT ACTIVITIES .....	31
7. TITLE IV ACID RAIN PERMIT FOR THE EVANDER ANDREWS COMPLEX.....	32
8. TIER I OPERATING PERMIT GENERAL PROVISIONS.....	37

## Acronyms, Units, and Chemical Nomenclature

acfm	actual cubic feet per minute
AQCR	Air Quality Control Region
ASTM	American Society for Testing and Materials
CEMS	Continuous Emissions Monitoring System
CFR	Code of Federal Regulations
CO	carbon monoxide
DEQ	Department of Environmental Quality
DLN	dry low-NO <sub>x</sub> combustors used in a combustion turbine
dscf	dry standard cubic feet
EPA	U.S. Environmental Protection Agency
ft	feet or foot
gr	grain (1 lb = 7,000 grains)
hr/yr	hours per year
IDAPA	a numbering designation for all administrative rules in Idaho promulgated in accordance with the <i>Idaho Administrative Procedures Act</i>
km	kilometer
lb/hr	pounds per hour
lb/MMBtu	pounds per million British thermal units
MMBtu/hr	million British thermal units per hour
MW	megawatts
ng/J	nanograms per joule
NO <sub>2</sub>	nitrogen dioxide
NO <sub>x</sub>	nitrogen oxides
NSPS	New Source Performance Standards
PM	particulate matter
PM <sub>10</sub>	particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers
ppm	parts per million
ppmvd	parts per million by volume on a dry basis
PTC	permit to construct
RA	relative accuracy
RATA	relative accuracy test audit
scf	standard cubic feet
SIC	Standard Industrial Classification
SO <sub>2</sub>	sulfur dioxide
T/day	ton per day
T/yr	tons per year
UTM	Universal Transverse Mercator
VOC	volatile organic compound

# AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041

<b>Permittee:</b>	Idaho Power	<b>Facility ID No.</b> 039-00024	<b>Date Issued:</b>	September 9, 2005
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	September 9, 2010

## 1. TIER I OPERATING PERMIT SCOPE

### **Purpose**

- 1.1 This Tier I operating permit establishes facility-wide requirements in accordance with the Idaho State Implementation Plan (SIP) control strategy and the Rules for the Control of Air Pollution in Idaho (Rules).
- 1.2 This Tier I permit incorporates the following permit:
- PTC No. P-040031, issued March 18, 2005

### **Regulated Sources**

- 1.3 Table 1.1 lists all sources of emissions regulated in this Tier I operating permit.

**Table 1.1 REGULATED SOURCES**

Permit Section	Source Description	Emissions Control(s)
3, 7	<b>Two Combustion Turbines</b> Manufacturer: Siemens-Westinghouse, Model 251B12A with dry low-NO <sub>x</sub> combustors (DLN) Serial No., CT2 - 46S8140-1 Serial No., CT3 - 46S8156-1 Nominal Output: 52 MW Rated heat input for each turbine: 508 MMBtu/hr Fuels: Natural gas exclusively Inlet Air Cooling: Evaporative Cooling and Inlet Air Fogging Each Stack: 75 ft high, 19 ft x 3.7 ft rectangular duct, vertical exit, uncovered, with three internal vertical baffles for sound suppression Stack exit gas flow rate: 900,000 acfm from each stack Stack exit gas temperature: 841 to 1020°F from each stack	Dry low-NO <sub>x</sub> combustion. Exclusive use of natural gas for fuel. Good combustion control.
4	<b>Fuel pre-heater</b> Manufacturer: Thermoflux, Inc., Model S.O. 9113 Rated heat input: 2.2 MMBtu/hr Fuel: Natural gas	None
5	<b>Diesel-fired emergency fire pump</b> Manufacturer: Clark Detroit Diesel-Allison, Model VMFP 04HT Rated capacity: 231 horsepower	None
6	<b>Insignificant activities</b>	None

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## 2. FACILITY-WIDE PERMIT CONDITIONS

The following table contains a summary of requirements that apply generally to emissions units at the facility.

**Table 2.1 FACILITY-WIDE APPLICABLE REQUIREMENTS SUMMARY**

Permit Condition	Parameter	Permit Limit/ Standard Summary	Applicable Requirements Reference	Monitoring and Recordkeeping Requirements
2.1	Fugitive emissions	Reasonable precautions	IDAPA 58.01.01.650-651	2.2, 2.3, 2.4, 2.11
2.5	Odorous gas, liquids, or solids	No emissions that cause air pollution	IDAPA 58.01.01.775-776	2.6, 2.11, 2.17
2.7	Visible emissions	20% opacity for no more than three minutes in any 60-minute period	IDAPA 58.01.01.625	2.8, 2.11, 2.17
2.9	Excess emissions	Compliance with IDAPA 58.01.01.130-136	IDAPA 58.01.01.130	2.9, 2.11, 2.12, 2.17
2.10	PM <sub>10</sub> , PM, NO <sub>x</sub> , SO <sub>2</sub> , CO, VOC, opacity, and ammonia	Performance testing	IDAPA 58.01.01.157	2.10 - 2.12, 2.18
2.13	Open burning	In accordance with IDAPA 58.01.01.600-616	IDAPA 58.01.01.600-616	2.11
2.14	Asbestos	Compliance with 40 CFR 61, Subpart M for renovation/demolition	40 CFR 61, Subpart M	2.11
2.15	Chemical Accident Prevention	Compliance with Risk Management Plan and other 40 CFR Part 68 requirements, if necessary	40 CFR 68	2.11
2.16	Recycling and emission reduction	Reduce emissions of Class I and Class II refrigerants in accordance with 40 CFR 82, Subpart F	40 CFR 82, Subpart F	2.11

### ***Fugitive Emissions***

- 2.1 All reasonable precautions shall be taken to prevent PM from becoming airborne in accordance with IDAPA 58.01.01.650-651.  
[IDAPA 58.01.01.650-651, 5/1/94]
- 2.2 The permittee shall monitor and maintain records of the frequency and the method(s) used (i.e., water, chemical dust suppressants, etc.) to reasonably control fugitive emissions.  
[IDAPA 58.01.01.322.06, 07, 5/1/94]
- 2.3 The permittee shall maintain records of all fugitive dust complaints received. The permittee shall take appropriate corrective action as expeditiously as practicable after receipt of a valid complaint. The records shall include, at a minimum, the date each complaint was received and a description of the following: the complaint, the permittee's assessment of the validity of the complaint, any corrective action taken, and the date the corrective action was taken.  
[IDAPA 58.01.01.322.06, 07, 5/1/94]

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<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	<b>September 9, 2010</b>

- 2.4 The permittee shall conduct a quarterly facility-wide inspection of potential sources of fugitive emissions, during daylight hours and under normal operating conditions, to ensure that the methods used to reasonably control fugitive emissions are effective. If fugitive emissions are not being reasonably controlled, the permittee shall take corrective action as expeditiously as practicable. The permittee shall maintain records of the results of each fugitive emissions inspection. The records shall include, at a minimum, the date of each inspection and a description of the following: the permittee's assessment of the conditions existing at the time fugitive emissions were present (if observed), any corrective action taken in response to the fugitive emissions, and the date the corrective action was taken.

[IDAPA 58.01.01.322.06, 07, 5/1/94; IDAPA 58.01.01.322.08, 4/5/00]

**Odors**

- 2.5 The permittee shall not allow, suffer, cause, or permit the emission of odorous gases, liquids, or solids to the atmosphere in such quantities as to cause air pollution.

[IDAPA 58.01.01.775, 776, 5/1/94]

- 2.6 The permittee shall maintain records of all odor complaints received. If the complaint has merit, the permittee shall take appropriate corrective action as expeditiously as practicable. The records shall include, at a minimum, the date each complaint was received and a description of the following: the complaint, the permittee's assessment of the validity of the complaint, any corrective action taken, and the date the corrective action was taken.

[IDAPA 58.01.01.322.06, 07 (state-only), 5/1/94]

**Visible Emissions**

- 2.7 The permittee shall not discharge any air pollutant to the atmosphere from any point of emission for a period or periods aggregating more than three minutes in any 60-minute period which is greater than 20% opacity as determined by procedures contained in IDAPA 58.01.01.625. These provisions shall not apply when the presence of uncombined water, NO<sub>x</sub>, and/or chlorine gas is the only reason for the failure of the emission to comply with the requirements of this section.

[IDAPA 58.01.01.625, 4/5/00]

- 2.8 The permittee shall conduct a monthly facility-wide inspection of potential sources of visible emissions during daylight hours and under normal operating conditions. The inspection shall consist of a see/no see evaluation for each potential source. If any visible emissions are present from any point of emission, the permittee shall either take appropriate corrective action as expeditiously as practicable, or perform a Method 9 opacity test in accordance with the procedures outlined in IDAPA 58.01.01.625. A minimum of 30 observations shall be recorded when conducting the opacity test. If opacity is greater than 20% for a period or periods aggregating more than three minutes in any 60-minute period, the permittee shall take all necessary corrective action and report the exceedance in its annual compliance certification and in accordance with IDAPA 58.01.01.130-136. The permittee shall maintain records of the results of each visible emission inspection and each Method 9 opacity test when conducted. The records shall include, at a minimum, the date and results of each inspection and each Method 9 test, and a description of the following: the permittee's assessment of the conditions existing at the time visible emissions are present (if observed), any corrective action taken in response to the visible emissions, and the date corrective action was taken. For any month the facility does not conduct normal operations, this fact should be included in the records, and a facility-wide inspection is not required for that month.

[IDAPA 58.01.01.322.06, 07, 5/1/94; IDAPA 58.01.01.322.08, 4/5/00]



**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No. 039-00024</b>	<b>Date Issued:</b>	<b>September 9, 2005</b>
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**Excess Emissions**

2.9 In addition to the specific requirements in Permit Conditions 3.16 through 3.18, the permittee shall comply with the procedures and requirements of IDAPA 58.01.01.130-136 for excess emissions. The provisions of IDAPA 58.01.01. 130-136 shall govern in the event of conflicts between Permit Condition 2.9 and IDAPA 58.01.01.130-136.

2.9.1 The person responsible for or in charge of a facility during an excess emissions event shall, with all practicable speed, initiate and complete appropriate and reasonable action to correct the conditions causing the excess emissions event, to reduce the frequency of occurrence of such events, to minimize the amount by which the emission standard is exceeded and shall, as provided below or upon request of DEQ, submit a full report of such occurrence including a statement of all known causes and of the scheduling and nature of the actions to be taken.

[IDAPA 58.01.01.132, 4/5/00]

2.9.2 In all cases where startup, shutdown, or scheduled maintenance of any equipment or emission unit is expected to result or results in an excess emissions event, the owner or operator of the facility or emissions unit generating the excess emissions shall demonstrate compliance with IDAPA 58.01.01.133.01(a) through (d), including, but not limited to, the following:

[IDAPA 58.01.01.133, 4/5/00]

- A prohibition of any scheduled startup, shutdown, or maintenance resulting in excess emissions shall occur during any period in which an Atmospheric Stagnation Advisory or Wood Stove Curtailment Advisory has been declared by DEQ within an area designated by DEQ as a nonattainment area, unless the permittee demonstrates that such is reasonably necessary to facility operations and cannot be reasonably avoided and DEQ approves such activity in advance, to the extent advance approval by DEQ is feasible.

[IDAPA 58.01.01.133.01.a, 3/20/97]

- Notifying DEQ of the excess emissions event as soon as reasonably possible, but no later than two hours prior to the start of the event, unless the owner or operator demonstrates to DEQ's satisfaction that a shorter advance notice was necessary.

[IDAPA 58.01.01.133.01.b, 4/5/00]

- The owner or operator of a source of excess emissions shall report and record the information required pursuant to Permit Conditions 2.9.4 and 2.9.5 and IDAPA 58.01.01.135 and 136 for each excess emissions event due to startup, shutdown, or scheduled maintenance.

[IDAPA 58.01.01.133.01.c, 3/20/97]

2.9.3 In all cases where upset or breakdown of equipment or an emissions unit, or the initiation of safety measures, results or may result in an excess emissions event, the owner or operator of the facility or emissions unit generating the excess emissions shall demonstrate compliance with IDAPA 58.01.01.134.01(a) and (b) and the following:

[IDAPA 58.01.01.134, 4/5/00]

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No. 039-00024</b>	<b>Date Issued:</b>	<b>September 9, 2005</b>
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	<b>September 9, 2010</b>

- 2.9.3.1 For all equipment or emissions units from which excess emissions result during upset or breakdown conditions, or for other situations that may necessitate the implementation of safety measures which cause excess emissions, the facility owner or operator shall comply with the following:

**[IDAPA 58.01.01.134.02, 4/5/00]**

- The owner or operator shall immediately undertake all appropriate measures to reduce and, to the extent possible, eliminate excess emissions resulting from the event and to minimize the impact of such excess emissions on the ambient air quality and public health.

**[IDAPA 58.01.01.134.02.a, 4/5/00]**

- The owner or operator shall notify DEQ of any upset, breakdown, or safety event that results in excess emissions. Such notification shall identify the time, specific location, equipment or emissions unit involved, and (to the extent known) the cause(s) of the occurrence. The notification shall be given as soon as reasonably possible, but no later than 24 hours after the event, unless the owner or operator demonstrates to DEQ's satisfaction that the longer reporting period was necessary.

**[IDAPA 58.01.01.134.02.b, 4/5/00]**

- The owner or operator shall report and record the information required pursuant to Permit Conditions 2.9.4 and 2.9.5 and IDAPA 58.01.01.135 and 136 for each excess emissions event caused by an upset, breakdown, or safety measure.

**[IDAPA 58.01.01.134.02.c, 3/20/97]**

- 2.9.3.2 During any period of excess emissions caused by upset, breakdown, or operation under facility safety measures, DEQ may require the owner or operator to immediately reduce or cease operation of the equipment or emissions unit causing the period until such time as the condition causing the excess has been corrected or brought under control. Such action by DEQ shall be taken upon consideration of the factors listed in IDAPA 58.01.01.134.03 and after consultation with the facility owner or operator.

**[IDAPA 58.01.01.134.03 4/5/00]**

- 2.9.4 A written report for each excess emissions event shall be submitted to DEQ by the owner or operator no later than 15 days after the beginning of such an event. Each report shall contain the information specified in IDAPA 58.01.01.135.02.

**[IDAPA 58.01.01.135.01, 02, 3/20/97]**

- 2.9.5 The owner or operator shall maintain excess emissions records at the facility for the most recent five-calendar-year period. The excess emissions records shall be made available to DEQ upon request and shall include the information requested by IDAPA 58.01.01.136.03(a) and (b) as summarized in the following:

**[IDAPA 58.01.01.136.01, 02, 3/20/97; IDAPA 58.01.01.136.03, 4/5/00]**

- 2.9.5.1 An excess emissions record book or file for each emissions unit or piece of equipment containing copies of all reports that have been submitted to DEQ pursuant to IDAPA 58.01.01.135 for the particular emissions unit or equipment.

**[IDAPA 58.01.01.136.03.a, 4/5/00]**

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

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- 2.9.5.2 Copies of all startup, shutdown, and scheduled maintenance procedures and upset, breakdown, or safety preventative maintenance plans that have been developed by the owner or operator in accordance with IDAPA 58.01.01.133 and 134, and facility records as necessary to demonstrate compliance with such procedures and plans.

[IDAPA 58.01.01.136.03.b, 3/20/97; IDAPA 58.01.01.130-136, 4/5/00  
(state-only; federally enforceable upon approval into the SIP);  
IDAPA 58.01.01.322.08.b, 3/23/98]

**Performance Testing**

- 2.10 If performance testing is required, the permittee shall provide notice of intent to test to DEQ at least 15 days prior to the scheduled test or shorter time period as provided in a permit, order, consent decree, or by DEQ approval. The DEQ may, at its option, have an observer present at any emissions tests conducted on a source. The DEQ requests such testing not be performed on weekends or state holidays.

All testing shall be conducted in accordance with the procedures in IDAPA 58.01.01.157. Without prior DEQ approval, any alternative testing is conducted solely at the permittee's risk. If the permittee fails to obtain prior written approval from DEQ for any testing deviations, DEQ may determine that the testing does not satisfy the testing requirements. Therefore, prior to conducting any performance test, the permittee is encouraged to submit in writing to DEQ, at least 30 days in advance, the following for approval:

- The type of method to be used
- Any extenuating or unusual circumstances regarding the proposed test
- The proposed schedule for conducting and reporting the test

The permittee shall submit a performance test report for the respective test to DEQ within 60 days following the date on which a test required by this permit is concluded. The performance test report shall include all process operating data collected during the test period, as well as the test results, raw test data, and associated documentation, including any approved test protocol.

The proposed test date(s), test date rescheduling notice(s), performance test report, and all other correspondence shall be sent to the following address:

Air Quality Permit Compliance  
Department of Environmental Quality  
Boise Regional Office  
1445 N. Orchard  
Boise, Idaho 83706  
Phone: (208) 373-0550

Fax: (208) 373-0287

[IDAPA 58.01.01.157, 4/5/00; IDAPA 58.01.01.322.06, 08.a, 09, 5/1/94]

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**Monitoring and RecordKeeping**

- 2.11 The permittee shall maintain sufficient records to assure compliance with all of the terms and conditions of this operating permit. Records of monitoring information shall include, but not be limited to, the following: (a) the date, place, and times of sampling or measurements; (b) the date analyses were performed; (c) the company or entity that performed the analyses; (d) the analytical techniques or methods used; (e) the results of such analyses; and (f) the operating conditions existing at the time of sampling or measurement. All monitoring records and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes, but is not limited to, all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. All records required to be maintained by this permit shall be made available in either hard copy or electronic format to DEQ representatives upon request.

[IDAPA 58.01.01.322.07, 5/1/94]

**Reports and Certifications**

- 2.12 All periodic reports and certifications required by this permit shall be submitted to DEQ within 60 days of the end of each specified reporting period unless noted otherwise within this permit. Excess emissions reports and notifications shall be submitted in accordance with IDAPA 58.01.01.130-136. Reports, certifications, notifications, and a copy of any submittals sent to EPA pursuant to the NSPS (see section 3, NSPS General Provisions) and Acid Rain Program requirements shall be submitted to the following :

Air Quality Permit Compliance  
Department of Environmental Quality  
Boise Regional Office  
1445 North Orchard  
Boise, ID 83706  
Phone: (208) 373-0550

Fax: (208) 373-0287

The periodic compliance certification required by General Provision 21 shall also be submitted in accordance with the General Provisions of this permit to the following :

EPA Region 10  
Air Operating Permits, OAQ-107  
1200 Sixth Ave.  
Seattle, WA 98101

Information required to be submitted to the EPA Administrator regarding the Acid Rain Program shall be submitted to the address designated by the EPA as given below. Proof of submission of all such submittals (e.g. a copy of the cover letter) shall also be sent to DEQ's Boise Regional Office at the address given above.

U.S. Environmental Protection Agency  
Acid Rain Division (6204J)  
401 M Street, S.W.  
Washington, DC 20460

[IDAPA 58.01.01.322.08, 11, 4/5/00; 40 CFR Parts 72-78]

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***Open Burning***

- 2.13 The permittee shall comply with the Rules for Control of Open Burning, IDAPA 58.01.01.600-616.  
[IDAPA 58.01.01.600-616, 4/5/00]

***Renovation / Demolition***

- 2.14 The permittee shall comply with all applicable portions of 40 CFR 61, Subpart M when conducting any renovation or demolition activities at the facility.  
[40 CFR 61, Subpart M]

***Regulated Substances for Accidental Release Prevention***

- 2.15 An owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, shall comply with the requirements of the Chemical Accident Prevention Provisions at 40 CFR Part 68 no later than the latest of the following dates:
- Three years after the date on which a regulated substance present above a threshold quantity is first listed under 40 CFR 68.130.
  - The date on which a regulated substance is first present above a threshold quantity in a process.  
[40 CFR 68.10 (a)]

***Recycling and Emissions Reduction***

- 2.16 The permittee shall comply with applicable standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, Recycling and Emissions Reduction.  
[40 CFR 82, Subpart F]

***PTC General Provisions***

- 2.17 The permittee shall at all times (except as provided in the Rules for the Control of Air Pollution in Idaho) maintain in good working order and operate as efficiently as practicable, all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable Idaho laws for the control of air pollution.  
[PTC Condition]
- 2.18 The permittee shall allow the Director and/or the authorized representative(s), upon the presentation of credentials, at reasonable times, to have access to and copy any records required to be kept under the terms and conditions of this permit, to inspect any monitoring methods required in this permit, and require stack emission testing in conformance with IDAPA 16.01.01.157 when deemed appropriate by the Director.  
[PTC Condition]

## AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041

<b>Permittee:</b>	Idaho Power	<b>Facility ID No.</b> 039-00024	<b>Date Issued:</b>	September 9, 2005
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	September 9, 2010

### 3. COMBUSTION TURBINES

#### Summary Description

A narrative description of the combustion turbines regulated in this Tier I operating permit is given below. This description is for informational purposes only.

The Idaho Power Evander Andrews Complex utilizes two Siemens-Westinghouse (S-W) Model 251B12A combustion turbines operated in simple cycle mode that are designated as CT2 and CT3. Each unit has a generating capacity of approximately 52 MW, and natural gas will be used exclusively for fuel. Operating scenarios include firing with or without inlet air evaporative cooling and inlet air fogging. Ancillary equipment includes a natural gas-fired fuel heater and a diesel-fired fire pump. Each combustion turbine is equipped with dry low-NO<sub>x</sub> combustion technology to minimize NO<sub>x</sub> emissions and the facility is monitored by an integrated, microprocessor-based control system. The system includes a data acquisition and handling system (DAHS) and a Continuous Emissions Monitoring System (CEMS) which operates at all times to monitor NO<sub>x</sub> and CO emissions, including startup and shutdown.

Table 3.1 describes the devices used in controlling emissions from the sources regulated in this permit.

**Table 3.1 COMBUSTION TURBINE CONTROL DEVICES**

Emissions Units / Processes	Emissions Control Device
Combustion Turbines 2 and 3	Dry Low NO <sub>x</sub> (DLN) burners, good combustion control, and exclusive use of natural gas

Table 3.2 contains only a summary of the requirements that apply to the combustion turbines. Specific permit requirements are listed below Table 3.2.

**Table 3.2 COMBUSTION TURBINE REQUIREMENTS SUMMARY**

Permit Conditions	Affected Unit	Parameter	Permit Limit / Standard Summary	Applicable Requirements Reference	Monitoring and Record-keeping Requirements
3.1	Turbines 2 & 3, combined	NO <sub>x</sub> CO	NO <sub>x</sub> - 248 T/yr CO - 150 T/yr	PTC No. P-040031	3.3 - 3.9, 3.12 - 3.14
3.2	Each Turbine	NO <sub>x</sub>	NO <sub>x</sub> - 142 ppmvd <sup>(1)</sup>	40 CFR 60.332(a)(1)	3.5, 3.6, 3.10 - 3.17
2.7	Each Turbine	Visible emissions	20% opacity for no more than three minutes in any 60-minute period	PTC No. P-040031 IDAPA 58.01.01.625	2.8, 2.11, 2.17
3.4	Each Turbine	Fuel sulfur	Fuel sulfur content must not exceed 0.8% by weight	40 CFR 60.333(b)	3.10, 3.11, 3.16, 3.17

<sup>(1)</sup> parts per million by volume on a dry basis at 15% oxygen and calculated on a 4-hour rolling average basis in accordance with 40 CFR 60.334(j)

#### Permit Limits / Standard Summary

##### 3.1 NO<sub>x</sub> and CO Emissions

Emissions from gas turbines 2 and 3 combined shall not exceed 248 tons per year of NO<sub>x</sub> and 150 tons per year of CO, based on any consecutive 12-month period. The annual limits shall include emissions during startup, shutdown, and malfunction of the turbines.

**[PTC Condition]**

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No.</b> 039-00024	<b>Date Issued:</b>	September 9, 2005
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	September 9, 2010

**3.2 NO<sub>x</sub> Emissions - NSPS**

On and after the date the performance test required by 40 CFR 60.8 is completed, the owner or operator shall not cause to be discharged to the atmosphere from gas turbines 2 or 3, any gases which contain NO<sub>x</sub> in excess of 142 parts per million by volume on a dry basis (ppmvd) at 15% oxygen in accordance with 40 CFR 60.332(a)(1). Any emissions which exceed this standard as a result of startup and shutdown shall be addressed in accordance with Permit Condition 3.16.

[IDAPA 58.01.01.322.01, 3/19/99; 40 CFR 60.332(a)(1)]

***Operating Requirements*****3.3 Fuel Type**

The combustion turbines shall be fired exclusively using natural gas.

[PTC Condition]

**3.4 Fuel Sulfur Content - NSPS**

No fuel containing sulfur in excess of 0.8% by weight shall be burned in gas turbines 2 or 3 in accordance with 40 CFR 60.333(b).

[IDAPA 58.01.01.322.03, 3/23/98; 40 CFR 60.333b]

***Monitoring / Recordkeeping Requirements*****3.5 NO<sub>x</sub> Monitoring**

The permittee shall fully comply with all monitoring requirements established by 40 CFR 72.9(b). In particular, the permittee shall install, certify, operate, and maintain in accordance with all the requirements of 40 CFR 75, a NO<sub>x</sub> CEMS (consisting of a NO<sub>x</sub> pollutant concentration monitor and an O<sub>2</sub> or CO<sub>2</sub> diluent gas monitor) with the automated data acquisition and handling system for measuring and recording the NO<sub>x</sub> concentration (in ppm), O<sub>2</sub> or CO<sub>2</sub> concentration (in percent O<sub>2</sub> or CO<sub>2</sub>), and NO<sub>x</sub> emission rate (in tons per month and tons per year based on each consecutive 12-month period) discharged to the atmosphere from each gas turbine stack.

The permittee shall fully comply with all recordkeeping requirements set forth in 40 CFR 75, Subpart F. The NO<sub>x</sub> emission rate shall be recorded on a monthly basis, in tons per month and tons per year based on each consecutive 12-month period, to demonstrate compliance with Permit Condition 3.1. All records shall be maintained in accordance with Section 2 of this permit and shall be made available to DEQ representatives upon request.

[PTC Condition]

**3.6 NO<sub>x</sub> Monitoring - NSPS**

The permittee may, for purposes of determining if the emission standard specified in Permit Condition 3.2 is exceeded, use a NO<sub>x</sub> CEMS that meets the requirements of 40 CFR 60.334(b).

[PTC Condition]

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No.</b> 039-00024	<b>Date Issued:</b>	<b>September 9, 2005</b>
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	<b>September 9, 2010</b>

**3.7 CO Monitoring**

For each combustion turbine, the permittee shall maintain and operate a CEMS for measuring and recording the CO emission rate (in tons per month and tons per year based on each consecutive 12-month period) discharged to the atmosphere from the turbine stack to demonstrate compliance with Permit Condition 3.1. The CO emission rate shall be recorded on a monthly basis, in tons per month and tons per year based on each consecutive 12-month period, to demonstrate compliance with Permit Condition 3.1. All data, calibration reports, and maintenance logs shall be maintained in accordance with Section 2 of this permit and shall be made available to DEQ representatives upon request.

[IDAPA 58.01.01.322.06, 07, 5/1/94]

**3.8 CO RATA**

For each turbine, the permittee shall perform a Relative Accuracy Test Audit (RATA) on the CO CEMS. The initial RATA, and any subsequent RATAs conducted to demonstrate compliance, shall be performed in accordance with 40 CFR 60, Appendix F.

[PTC Condition]

**3.9 CEMS Quality Assurance Procedures**

Any CEMS data submitted to the EPA or DEQ shall meet the quality assurance procedures in 40 CFR 60, Appendix F.

[PTC Condition]

**3.10 Turbine NO<sub>x</sub> and SO<sub>2</sub> Performance Tests - NSPS**

When required by the Administrator under 40 CFR 60.8 and Section 114 of the Clean Air Act, the permittee shall conduct a performance test to measure compliance with the NO<sub>x</sub> and SO<sub>2</sub> standards in 40 CFR 60.332 and 60.333 using the test methods and procedures in 40 CFR 60.335, or using an alternative method approved by the EPA. The performance tests conducted to demonstrate compliance shall be performed in accordance with IDAPA 16.01.01.157 and Section 2 of this Permit. Visible emissions shall be observed and recorded during each NO<sub>x</sub> performance test run using the methods specified in IDAPA 16.01.01.625. During the performance test, the amount of natural gas used shall be recorded.

[PTC Condition]

**3.11 Fuel Monitoring - NSPS**

The permittee shall monitor and record the total sulfur content of the fuel being fired in the turbine in accordance with 40 CFR 60.334(h)(1), except as provided in 40 CFR 60.334(h)(3).

- 3.11.1 In accordance with 40 CFR 60.334(h)(3), the permittee may elect not to monitor the total sulfur content of the gaseous fuel combusted in the turbine, if the gaseous fuel is demonstrated to meet the definition of natural gas in 40 CFR 60.331(u), regardless of whether an existing custom schedule approved by the administrator for subpart GG requires such monitoring. The owner or operator shall use one of the following sources of information to make the required demonstration:



**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No. 039-00024</b>	<b>Date Issued:</b>	<b>September 9, 2005</b>
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	<b>September 9, 2010</b>

- The gas quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the gaseous fuel, specifying that the maximum total sulfur content of the fuel is 20.0 grains/100 scf or less; or
- Representative fuel sampling data which show that the sulfur content of the gaseous fuel does not exceed 20 grains/100 scf. At a minimum, the amount of fuel sampling data specified in section 2.3.1.4 or 2.3.2.4 of Appendix D to part 75 of this chapter is required.

3.11.2 With regard to the custom fuel monitoring schedule approved by the EPA in the July 10, 2002 letter addressed to the Idaho Power Company, the permittee may, without submitting a special petition to the Administrator, continue monitoring on this schedule in accordance with 40 CFR 60.334(h)(4). The following requirements are specified in this letter:

- Nitrogen monitoring is waived for pipeline natural gas.
- "40 CFR §60.335(d) requires analysis of sulfur in gaseous fuels in accordance with ASTM D 1072-80, D 3031-81, D 4084-82 or D 3246-91. However, EPA approves your request to use the monitoring requirements for sulfur at 40 CFR Part 75. This alternative monitoring method can only be used when pipeline quality natural gas is the only fuel being burned, and it must be in accordance with 40 CFR Part 75, Appendix D, Section 2.3."
- "These EPA approvals do not alter any of the other requirements of NSPS Subparts A and GG which may apply to the facility."
- In the event that the turbine would no longer have to comply with the Acid Rain Program, then this alternative monitoring plan would be void and Idaho Power would have to comply with the monitoring requirements specified in 40 CFR Part 60, Subpart GG.

3.11.3 The frequency of determining the sulfur content of the fuel shall be as specified in 40 CFR 60.334(i).

[PTC Condition]

## **Reporting**

### **3.12 Test Protocols for NO<sub>x</sub> CEMS Certification/Recertification Tests**

The permittee is strongly encouraged to submit to the DEQ a test protocol at least 30 days prior to the respective test date for each certification and recertification test of the NO<sub>x</sub> CEMS.

[PTC Condition]

### **3.13 Required NO<sub>x</sub> CEMS Information**

The permittee shall fully comply with the reporting requirements set forth in 40 CFR 75, Subpart G. In accordance with 40 CFR 75.60(b)(2), copies of all certification or recertification notifications, certification or recertification applications, and monitoring plans shall be submitted to DEQ. The copies shall be submitted to DEQ no later than the respective date specified in 40 CFR 75, Subpart G, for submission to the EPA Administrator.

In addition, the permittee shall submit a written report to DEQ (including all raw field data, etc.) for each certification or recertification test required by Permit Condition 3.5. Each report shall be submitted to DEQ within 60 days of the date on which the respective test was completed.

[PTC Condition]

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No. 039-00024</b>	<b>Date Issued:</b>	<b>September 9, 2005</b>
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	<b>September 9, 2010</b>

**3.14 Required RATA Information**

The results of any RATAs conducted for compliance shall be submitted to DEQ within 60 days of the completion of the test.

**[PTC Condition]**

**3.15 NO<sub>x</sub> CEMS Reports - NSPS**

When a NO<sub>x</sub> CEMS is used per 40 CFR 60.334(c) to determine compliance with the emission standard in Permit Condition 3.2, the permittee shall submit to the EPA and DEQ an excess emissions and monitoring systems performance report and/or a summary report form for the NO<sub>x</sub> CEMS as specified in 40 CFR 60.7. For purposes of these reports, excess emissions are as defined in Permit Condition 3.16.

**[PTC Condition]**

**3.16 Turbine Excess Emissions - NSPS**

For each affected unit required to continuously monitor parameters or emissions, or to periodically determine the fuel sulfur content or fuel nitrogen content under 40 CFR Part 60 Subpart GG, the owner or operator shall submit reports of excess emissions and monitor downtime, in accordance with 40 CFR 60.7(c). Excess emissions shall be reported for all periods of unit operation, including startup, shutdown and malfunction. For the purpose of reports required under 40 CFR 60.7(c), periods of excess emissions and monitor downtime that shall be reported are defined as follows in accordance with 40 CFR 60.334(j):

**3.16.1 With regard to NO<sub>x</sub> for turbines using NO<sub>x</sub> and diluent CEMS, in accordance with 40 CFR 60.334(j)(1)(iii):**

- An hour of excess emissions shall be any unit operating hour in which the 4-hour rolling average NO<sub>x</sub> concentration exceeds 142 ppmvd at 15% oxygen [the applicable emission limit in 40 CFR 60.332(a)(1)]. For the purposes of this requirement, a "4-hour rolling average NO<sub>x</sub> concentration" is the arithmetic average of the average NO<sub>x</sub> concentration measured by the CEMS for a given hour (corrected to 15% O<sub>2</sub> and, if required under 40 CFR 60.335(b)(1), to ISO standard conditions) and the three unit operating hour average NO<sub>x</sub> concentrations immediately preceding that unit operating hour.
- A period of monitor downtime shall be any unit operating hour in which sufficient data are not obtained to validate the hour, for either NO<sub>x</sub> concentration or diluent (or both).
- Each report shall include the ambient conditions (temperature, pressure, and humidity) at the time of the excess emission period. You do not have to report ambient conditions if you opt to use the worst case ISO correction factor as specified in 40 CFR 60.334(b)(3)(ii), or if you are not using the ISO correction equation under the provisions of 40 CFR 60.335(b)(1).
- The permittee may, for purposes of determining excess NO<sub>x</sub> emissions, use a CEMS that meets the requirements of 40 CFR 60.334(b), in accordance with 40 CFR 60.334(c).

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No.</b> 039-00024	<b>Date Issued:</b>	September 9, 2005
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	September 9, 2010

**3.16.2 With regard to SO<sub>2</sub>, in accordance with 40 CFR 60.334(j)(2)(i):**

For samples of gaseous fuel obtained using daily sampling, flow proportional sampling, or sampling from the unit's storage tank, an excess emission occurs each unit operating hour included in the period beginning on the date and hour of any sample for which the sulfur content of the fuel being fired in the gas turbine exceeds 0.8 weight percent and ending on the date and hour that a subsequent sample is taken that demonstrates compliance with the sulfur limit.

**3.16.3 All reports required under 40 CFR 60.7(c) shall be postmarked by the 30th day following the end of each calendar quarter in accordance with 40 CFR 60.334(j)(5).****[PTC Condition]*****NSPS General Provisions*****3.17 The permittee shall comply with the following applicable NSPS General Provisions with regard to the combustion turbines, pursuant to 40 CFR Part 60, Subpart A. Copies of applicable requirements specified in 40 CFR Part 60 have been included throughout this permit, which were current at the time of issuance. Where DEQ has provided a reprint of an applicable federal regulation, in the case of any discrepancy or conflict between the reprint and the CFR, the requirement in the CFR shall control.****[40 CFR 60, Subpart A]****3.18 Applicability**

- (a) Except as provided in 40 CFR Part 60, Subparts B and C, the provisions of this part apply to the owner or operator of any stationary source that contains an affected facility, the construction or modification of which is commenced after the date of publication in this part of any standard (or, if earlier, the date of publication of any proposed standard) applicable to that facility.
- (b) Any new or revised standard of performance promulgated pursuant to Section 111(b) of the Clean Air Act shall apply to the owner or operator of any stationary source that contains an affected facility, the construction or modification of which is commenced after the date of publication in this part of such new or revised standard (or, if earlier, the date of publication of any proposed standard) applicable to that facility.

**[40 CFR 60.1]****3.19 Definitions, Units and Abbreviations**

The definitions, units and abbreviations given in 40 CFR 60.2 and 40 CFR 60.3 for the terms used in 40 CFR Part 60 shall apply.

**[40 CFR 60.2 and 60.3]****3.20 Address**

All requests, reports, applications, submittals, and other communications to the Administrator pursuant to 40 CFR 60 shall be submitted in duplicate to the appropriate EPA Regional Office to the attention of the Director of the division as follows. In addition, a copy shall also be submitted to DEQ's Regional Office at the address listed in the facility-wide requirements of this permit.

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No. 039-00024</b>	<b>Date Issued:</b>	<b>September 9, 2005</b>
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	<b>September 9, 2010</b>

Region 10, Director, Air and Waste Management Division  
U.S. Environmental Protection Agency  
1200 Sixth Ave.  
Seattle, WA 98101.

[IDAPA 58.01.01.322.08, 4/5/00; 40 CFR 60.4]

**3.21 Determination of Construction or Modification**

- (a) When requested to do so by an owner or operator, the Administrator will make a determination of whether action taken or intended to be taken by such owner or operator constitutes construction (including reconstruction) or modification or the commencement thereof within the meaning of this part.
- (b) The Administrator will respond to any request for a determination under paragraph (a) of this section within 30 days of receipt of such request.

[40 CFR 60.5]

**3.22 Review of Plans**

- (a) When requested to do so by an owner or operator, the Administrator will review plans for construction or modification for the purpose of providing technical advice to the owner or operator.
- (b) (1) A separate request shall be submitted for each construction or modification project. (2) Each request shall identify the location of such project, and be accompanied by technical information describing the proposed nature, size, design, and method of operation of each affected facility involved in such project, including information on any equipment to be used for measurement or control of emissions.
- (c) Neither a request for plans review nor advice furnished by the Administrator in response to such request shall (1) relieve an owner or operator of legal responsibility for compliance with any provision of this part or of any applicable State or local requirement, or (2) prevent the Administrator from implementing or enforcing any provision of this part or taking any other action authorized by the Act.

[40 CFR 60.6]

**3.23 Notification and Record Keeping**

- (a) Any owner or operator subject to the provisions of 40 CFR 60 shall furnish the Administrator with written notification or, if acceptable to both the Administrator and the owner or operator of a source, electronic notification, as follows:
  - (1) A notification of the date construction (or reconstruction as defined under 40 CFR 60.15) of an affected facility is commenced, postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities purchased in completed form.
  - (2) Reserved
  - (3) A notification of the actual date of initial startup of an affected facility, postmarked within 15 days after such date.

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No. 039-00024</b>	<b>Date Issued:</b>	<b>September 9, 2005</b>
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	<b>September 9, 2010</b>

- (4) A notification of any physical or operational change to an existing facility that may increase the emissions rate of any air pollutant to which a standard applies, unless this change is specifically exempted under an applicable subpart or in 40 CFR 60.14(e). This notice shall be postmarked 60 days, or as soon as practicable, before the change is commenced and shall include the following: information describing the precise nature of the change, present and proposed emissions control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional relevant information subsequent to this notice.
- (5-7) The requirements of 40 CFR 60.7(a)(5) through 60.7(a)(7) do not apply to this facility.
- (b) Any owner or operator subject to the provisions of 40 CFR 60 shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, and in any malfunction of the air pollution control equipment.
- (c-e) The requirements of 40 CFR 60.7(c) through 60.7(e) do not apply to this facility.
- (f) Any owner or operator subject to the provisions of 40 CFR 60 shall maintain a file of all measurements, including performance testing measurements and all other information required by 40 CFR 60, recorded in a permanent form suitable for inspection. The requirements in 40 CFR 60.7 regarding continuous monitoring systems do not apply to the facility. The file shall be retained for at least [five] years following the date of such measurements, maintenance, reports, and records.
- (g) If notification substantially similar to that in paragraph (a) of this section is required by any other State or local agency, sending the Administrator a copy of that notification will satisfy the requirements of paragraph (a) of this section.
- (h) Individual subparts of this part may include specific provisions which clarify or make inapplicable the provisions set forth in this section.

**[40 CFR 60.7]****3.24 Performance Tests**

- (a) Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup and at such other times as may be required by the Administrator under Section 114 of the Clean Air Act, the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s).
- (b) Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart, unless the Administrator:
- (1) Specifies or approves, in specific cases, the use of a reference method with minor changes in methodology.
  - (2) Approves the use of an equivalent method.
  - (3) Approves the use of an alternative method, the results of which are determined to be adequate for indicating whether a specific source is in compliance.
  - (4) Waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the affected facility is in compliance with the standard.

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No. 039-00024</b>	<b>Date Issued:</b>	<b>September 9, 2005</b>
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	<b>September 9, 2010</b>

- (5) Approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors.

Nothing in this paragraph shall be construed to abrogate the Administrator's authority to require testing under Section 114 of the Clean Air Act.

- (c) Performance tests shall be conducted under conditions based on representative performance of the affected facility, as specified to the plant operator by the administrator. The owner operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test, nor shall emissions in excess of the level of the applicable emissions limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emissions limit, unless otherwise specified in the applicable standard.
- (d) The owner or operator of an affected facility shall provide the Administrator at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present. If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the test, the owner or operator of an affected facility shall notify the Administrator (or delegated state or local agency) as soon as possible by providing at least seven days prior notice of the rescheduled date of the performance test or by arranging a rescheduled date with the Administrator (or delegated state or local agency) by mutual agreement.
- (e) The owner or operator of an affected facility shall provide performance testing facilities as follows:
- (1) Sampling ports adequate for test methods applicable to such facility. This includes (i) constructing the air pollution control system such that volumetric flow rates and pollutant emissions rates can be accurately determined by applicable test methods and procedures and (ii) providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures.
  - (2) Safe sampling platform(s).
  - (3) Safe access to sampling platform(s).
  - (4) Utilities for sampling and testing equipment.
- (f) Unless otherwise specified in the applicable subpart, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the owner or operator's control, compliance may, upon the Administrator's approval, be determined using the arithmetic mean of the results of the two other runs.

**[40 CFR 60.8]**

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No.</b> 039-00024	<b>Date Issued:</b>	September 9, 2005
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	September 9, 2010

**3.25 Availability of Information**

The availability to the public of information provided to or otherwise obtained by the EPA Administrator under this part shall be governed by 40 CFR Part 2. (Information submitted voluntarily to the Administrator for the purposes of 60.5 and 60.6 is governed by 40 CFR 2.201 through 2.213 and not by 2.301.)

[40 CFR 60.9]

**3.26 State Authority**

The provisions of this part shall not be construed in any manner to preclude any state or political subdivision thereof from the following:

- (a) Adopting and enforcing any emission standard or limitation applicable to an affected facility, provided such emission standard or limitation is not less stringent than the standard applicable to such facility.
- (b) Requiring the owner or operator of an affected facility to obtain permits, licenses, or approvals prior to initiating construction, modification, or operation of such facility.

[40 CFR 60.10]

**3.27 Compliance with Standards and Maintenance Requirements**

- (a) Compliance with standards in 40 CFR 60, other than opacity standards, shall be determined in accordance with performance tests established by 40 CFR 60.8, unless otherwise specified in the applicable standard.
- (b-c) The requirements of 40 CFR 60.11(b) and 60.11(c) are not applicable to this facility.
- (d) At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
- (e) The requirements of 40 CFR 60.11(e) are not applicable to this facility.
- (f) Special provisions set forth under an applicable subpart shall supersede any conflicting provisions in paragraphs (a) through (e) of this section.
- (g) For the purpose of submitting compliance certifications or establishing whether or not a facility has violated or is in violation of any standard in 40 CFR 60, nothing in 40 CFR 60 shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

[40 CFR 60.11]

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No. 039-00024</b>	<b>Date Issued:</b>	<b>September 9, 2005</b>
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	<b>September 9, 2010</b>

**3.28 Circumvention**

No owner or operator subject to the provisions of 40 CFR 60 shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals emissions which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard that is based on the concentration of a pollutant in the gases discharged to the atmosphere.

[40 CFR 60.12]

**3.29 Modification**

- (a) Except as provided under Paragraphs (e) and (f) of this section, any physical or operational change to an existing facility that results in an increase in the emissions rate to the atmosphere of any pollutant to which a standard applies shall be considered a modification within the meaning of Section 111 of the Clean Air Act. Upon modification, an existing facility shall become an affected facility for each pollutant to which a standard applies and for which there is an increase in the emissions rate to the atmosphere.
- (b) Emission rate shall be expressed as kilograms per hour (kg/hr) of any pollutant discharged to the atmosphere for which a standard is applicable. The Administrator shall use the following to determine emissions rate:
  - (1) Emission factors specified in the latest issue of "Compilation of Air Pollutant Emission Factors," EPA Publication No. AP42, or other emissions factors determined by the Administrator to be superior to AP42 in cases where utilization of emissions factors demonstrates that the emissions level resulting from the physical or operational change will either clearly increase or not increase.
  - (2) Material balances, continuous monitor data, or manual emissions tests in cases where utilization of emissions factors, as referenced in Paragraph (b)(1) of this section, do not demonstrate to the Administrator's satisfaction whether the emissions level resulting from the physical or operational change will either clearly increase or not increase, or where an owner or operator demonstrates to the Administrator's satisfaction that there are reasonable grounds to dispute the result obtained by the Administrator utilizing emissions factors as referenced in Paragraph (b)(1) of this section. When the emissions rate is based on results from manual emissions tests or continuous monitoring systems, the procedures specified in Appendix C of 40 CFR 60 shall be used to determine whether an increase in emissions rate has occurred. Tests shall be conducted under such conditions as the Administrator specifies to the owner or operator based on representative performance of the facility. At least three valid test runs must be conducted before and at least three after the physical or operational change. All operating parameters that may affect emissions must be held constant to the maximum feasible degree for all test runs.
- (c) The addition of an affected facility to a stationary source as an expansion to that source or as a replacement for an existing facility shall not, by itself, bring the applicability of 40 CFR 60 to any other facility within that source.
- (d) (Reserved).
- (e) The following shall not, by themselves, be considered modifications under 40 CFR 60:



**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No. 039-00024</b>	<b>Date Issued:</b>	<b>September 9, 2005</b>
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	<b>September 9, 2010</b>

- (1) Maintenance, repair, and replacement which the Administrator determines to be routine for a source category, subject to the provisions of Paragraph (c) of this section and 40 CFR 60.15.
- (2) An increase in production rate of an existing facility, if the increase can be accomplished without a capital expenditure on that facility.
- (3) An increase in the hours of operation.
- (4) Use of an alternative fuel or raw material if the existing facility was designed to accommodate that alternative use and it is prior to the date any standard under 40 CFR 60 becomes applicable to that source type, as provided by 40 CFR 60.1. A facility shall be considered designed to accommodate an alternative fuel or raw material if that use could be accomplished under the facility's construction specifications as amended prior to the change. Conversion to coal required for energy considerations, as specified in Section 111(a)(8) of the Clean Air Act, shall not be considered a modification.
- (5) The addition or use of any system or device with the primary function to reduce air pollutants, except when an emissions control system is removed or is replaced by a system that the Administrator determines to be less environmentally beneficial.
- (6) The relocation or change in ownership of an existing facility.
- (f) Special provisions set forth under an applicable subpart of 40 CFR 60 shall supersede any conflicting provisions of this section.
- (g) Within 180 days of the completion of any physical or operational change subject to the control measures specified in Paragraph (a) of this section, compliance with all applicable standards must be achieved.
- (h) No physical change, or change in the method of operation, at an existing electric utility steam-generating unit shall be treated as a modification for the purposes of this section, provided that such change does not increase the maximum hourly emissions of any pollutant regulated under this section above the maximum hourly emissions achievable at that unit during the five years prior to the change.
- (i - l) The requirements of 40 CFR 60.14(i) through 60.14(l) are not applicable to this facility.  
**[40 CFR 60.14]**

**3.30 Reconstruction**

- (a) An existing facility, upon reconstruction, becomes an affected facility, irrespective of any change in emission rate.
- (b) "Reconstruction" means the replacement of components of an existing facility to such an extent that:
  - (1) The fixed capital cost of the new components exceeds 50% of the fixed capital cost that would be required to construct a comparable entirely new facility, and
  - (2) It is technologically and economically feasible to meet the applicable standards set forth in this part.
- (c) "Fixed capital cost" means the capital needed to provide all the depreciable components.

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No.</b> 039-00024	<b>Date Issued:</b>	September 9, 2005
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	September 9, 2010

- (d) If an owner or operator of an existing facility proposes to replace components, and the fixed capital cost of the new components exceeds 50% of the fixed capital cost that would be required to construct a comparable entirely new facility, he shall notify the Administrator of the proposed replacements. The notice must be postmarked 60 days (or as soon as practicable) before construction of the replacements is commenced and must include the following information:
- (1) Name and address of the owner or operator.
  - (2) The location of the existing facility.
  - (3) A brief description of the existing facility and the components which are to be replaced.
  - (4) A description of the existing air pollution control equipment and the proposed air pollution control equipment.
  - (5) An estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new facility.
  - (6) The estimated life of the existing facility after the replacements.
  - (7) A discussion of any economic or technical limitations the facility may have in complying with the applicable standards of performance after the proposed replacements.
- (e) The Administrator will determine, within 30 days of the receipt of the notice required by paragraph (d) of this section and any additional information he may reasonably require, whether the proposed replacement constitutes reconstruction.
- (f) The Administrator's determination under paragraph (e) shall be based on:
- (1) The fixed capital cost of the replacements in comparison to the fixed capital cost that would be required to construct a comparable entirely new facility;
  - (2) The estimated life of the facility after the replacements compared to the life of a comparable entirely new facility;
  - (3) The extent to which the components being replaced cause or contribute to the emissions from the facility; and
  - (4) Any economic or technical limitations on compliance with applicable standards of performance which are inherent in the proposed replacements.
- (g) Individual subparts of this part may include specific provisions which refine and delimit the concept of reconstruction set forth in this section.

**[40 CFR 60.15]**

### **3.31 Incorporations by Reference**

The materials listed in 40 CFR 60.17 are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed.

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No.</b> 039-00024	<b>Date Issued:</b>	<b>September 9, 2005</b>
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	<b>September 9, 2010</b>

These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted in 40 CFR 60.17, and all are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC and at the Library (MD-35), U.S. EPA, Research Triangle Park, NC.

[40 CFR 60.17]

**3.32 General Notification and Reporting Requirements**

- (a) For the purposes of this part, time periods specified in days shall be measured in calendar days, even if the word "calendar" is absent, unless otherwise specified in an applicable requirement.
- (b) For the purposes of this part, if an explicit postmark deadline is not specified in an applicable requirement for the submittal of a notification, application, report, or other written communication to the Administrator, the owner or operator shall postmark the submittal on or before the number of days specified in the applicable requirement. For example, if a notification must be submitted 15 days before a particular event is scheduled to take place, the notification shall be postmarked on or before 15 days preceding the event; likewise, if a notification must be submitted 15 days after a particular event takes place, the notification shall be delivered or postmarked on or before 15 days following the end of the event. The use of reliable non-Government mail carriers that provide indications of verifiable delivery of information required to be submitted to the Administrator, similar to the postmark provided by the U.S. Postal Service, or alternative means of delivery, including the use of electronic media, agreed to by the permitting authority, is acceptable.
- (c) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.
- (d) If an owner or operator of an affected facility in a State with delegated authority is required to submit periodic reports under this part to the State, and if the State has an established timeline for the submission of periodic reports that is consistent with the reporting frequency(ies) specified for such facility under this part, the owner or operator may change the dates by which periodic reports under this part shall be submitted (without changing the frequency of reporting) to be consistent with the State's schedule by mutual agreement between the owner or operator and the State. The allowance in the previous sentence applies in each State beginning 1 year after the affected facility is required to be in compliance with the applicable subpart in this part. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No. 039-00024</b>	<b>Date Issued:</b>	<b>September 9, 2005</b>
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	<b>September 9, 2010</b>

- (e) If an owner or operator supervises one or more stationary sources affected by standards set under this part and standards set under part 61, part 63, or both such parts of this chapter, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State with an approved permit program) a common schedule on which periodic reports required by each applicable standard shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning one year after the stationary source is required to be in compliance with the applicable subpart in this part, or one year after the stationary source is required to be in compliance with the applicable 40 CFR part 61 or part 63 of this chapter standard, whichever is latest. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.
- (f) (1) (i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under paragraphs (f)(2) and (f)(3) of this section, the owner or operator of an affected facility remains strictly subject to the requirements of this part. (ii) An owner or operator shall request the adjustment provided in paragraphs (f)(2) and (f)(3) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.
- (2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.
- (3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.
- (4) If the Administrator is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.

**[40 CFR 60.19]**

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No.</b> 039-00024	<b>Date Issued:</b>	September 9, 2005
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	September 9, 2010

**4. FUEL HEATER****Summary Description**

The following is a narrative description of the fuel heater regulated in this Tier I operating permit. This description is for informational purposes only.

The fuel heater (H1) is used to heat the natural gas fuel before it enters the turbines. The units will combust natural gas. The manufacturer is Thermoflux, Inc., and the heat input is approximately 2.2 MMBtu/hr. The heater will increase the flow of natural gas fuel to the turbines, thereby increasing the combustion efficiency of the turbines.

Table 4.1 describes the devices used in controlling emissions from the sources regulated in this permit.

**Table 4.1 FUEL HEATER CONTROL DEVICES**

Emissions Unit(s) / Process(es)	Emissions Control Device
Fuel heater	None

Table 4.2 contains only a summary of the requirements that apply to the fuel heater. Specific permit requirements are listed below in the table.

**Table 4.2 FUEL HEATER REQUIREMENTS SUMMARY**

Permit Conditions	Parameter	Permit Limit / Standard Summary	Applicable Requirements Reference	Monitoring and Recordkeeping Requirements
4.1	Visible emissions	20% opacity for no more than three minutes in any 60-minute period	PTC No. P-040031	2.8, 2.11
4.2	Fuel-burning equipment PM standard	PM no more than 0.015 gr/dscf corrected to 3% oxygen	IDAPA 58.01.01.676	4.3, 4.4

**Permit Limits / Standard Summary****4.1 Visible Emissions**

The permittee shall not discharge any air pollutant to the atmosphere from any point of emission for a period or periods aggregating more than three minutes in any 60-minute period which is greater than 20% opacity as determined by procedures contained in IDAPA 58.01.01.625. These provisions shall not apply when the presence of uncombined water, NO<sub>x</sub>, and/or chlorine gas is the only reason for the failure of the emission to comply with the requirements of this section.

[PTC Condition]

**4.2 Fuel-Burning Equipment - PM**

The PM emissions shall not exceed the grain-loading limit of 0.015 gr/dscf of effluent gas corrected to 3% oxygen by volume for natural gas.

[PTC Condition]

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No. 039-00024</b>	<b>Date Issued:</b>	<b>September 9, 2005</b>
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	<b>September 9, 2010</b>

***Operating Requirements*****4.3     Fuel Throughput**

The natural gas heater shall not use more than 11,114,353 cubic feet per year (c/yr) of natural gas.

**[PTC Condition]**

***Monitoring and Recordkeeping Requirements*****4.4     Fuel Throughput Monitoring**

When in use, on a monthly basis the permittee shall monitor and record the fuel consumption of the natural gas heater in cubic feet per month and cubic feet per each consecutive 12-month period (cf/yr).

**[PTC Condition]**

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No. 039-00024</b>	<b>Date Issued:</b>	<b>September 9, 2005</b>
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	<b>September 9, 2010</b>

**5. EMERGENCY FIRE PUMP*****Summary Description***

The following is a narrative description of the back-up emergency fire pump regulated in this Tier I operating permit. This description is for informational purposes only.

The 231 horsepower diesel-fired back-up emergency fire pump (FP1) will be used only as an emergency back-up system for the facility in the event of a power failure and fire. Hourly usage of the emergency fire pump will be measured continuously with a non-resettable elapsed time meter.

Table 5.1 describes the devices used in controlling emissions from the sources regulated in this permit.

**Table 5.1 DIESEL GENERATOR AND FIRE PUMP CONTROL DEVICES**

<b>Emissions Unit</b>	<b>Emissions Control Device</b>
Emergency fire pump	None

Table 5.2 contains only a summary of the requirements that apply to the emergency fire pump. Specific permit requirements are listed below in the table.

**Table 5.2 DIESEL GENERATOR AND FIRE PUMP REQUIREMENTS SUMMARY**

<b>Permit Conditions</b>	<b>Parameter</b>	<b>Permit Limit / Standard Summary</b>	<b>Applicable Requirements Reference</b>	<b>Monitoring and Recordkeeping Requirements</b>
5.1	Visible emissions	20% opacity for no more than three minutes in any 60-minute period	PTC No. P-040031	2.8, 2.11
5.2	Hours of Operation	Not to exceed 50 hr/yr; emergency use	PTC No. P-040031	5.4
5.3	Fuel sulfur content	ASTM Grade No. 1 fuel oil – 0.3% by weight; ASTM Grade No. 2 fuel oil – 0.5% by weight	IDAPA 58.01.01.728	5.5

***Permit Limits / Standard Summary*****5.1 Visible Emissions**

The permittee shall not discharge any air pollutant to the atmosphere from any point of emission for a period or periods aggregating more than three minutes in any 60-minute period which is greater than 20% opacity as determined by procedures contained in IDAPA 58.01.01.625. These provisions shall not apply when the presence of uncombined water, NO<sub>x</sub>, and/or chlorine gas is the only reason for the failure of the emission to comply with the requirements of this section.

**[PTC Condition]**

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No. 039-00024</b>	<b>Date Issued:</b>	<b>September 9, 2005</b>
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	<b>September 9, 2010</b>

***Operating Requirements*****5.2    Hours of Operation**

The emergency fire water pump shall be operated only as an emergency fire water pump. This includes regular maintenance, testing, and emergency use. The annual hours of operation shall not exceed 50 hours per year (hr/yr).

[PTC Condition]

**5.3    Fuel Sulfur Content**

The permittee shall not sell, distribute, use, or make available for use any distillate fuel oil containing more than the following percentages of sulfur:

- ASTM Grade No. 1 fuel oil - 0.3% by weight.
- ASTM Grade No. 2 fuel oil - 0.5% by weight.

[IDAPA 58.01.01.728, 5/1/94]

***Monitoring and Recordkeeping Requirements*****5.4    Hours of Operation**

When in use, on a monthly basis the permittee shall monitor and record the time of operation of the emergency firewater pump in hours per month and hours per each consecutive 12-month period (hr/yr).

[PTC Condition]

**5.5    Fuel Sulfur Content**

The permittee shall maintain documentation of supplier verification of distillate fuel oil sulfur content on an as-received basis.

[IDAPA 58.01.01.322.06, 5/1/94]



**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No. 039-00024</b>	<b>Date Issued:</b>	<b>September 9, 2005</b>
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	<b>September 9, 2010</b>

**6. INSIGNIFICANT ACTIVITIES**

Activities and emissions units identified as insignificant under IDAPA 58.01.01.317.01(b) are listed in the Tier I operating permit to qualify for a permit shield.

**Table 6.1 INSIGNIFICANT ACTIVITIES**

Description	Insignificant Activities
	IDAPA 58.01.01.317.01(b)(i) Citation
None	n/a

- 6.1 There are no monitoring, record keeping, or reporting requirements for insignificant emission units or activities beyond those required in the Facility-wide Permit Conditions.

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No. 039-00024</b>	<b>Date Issued:</b>	<b>September 9, 2005</b>
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	<b>September 9, 2010</b>

**7. TITLE IV ACID RAIN PERMIT FOR THE EVANDER ANDREWS COMPLEX**

***Statement of Basis***

- 7.1 In accordance with IDAPA 58.01.01, *Rules for the Control of Air Pollution in Idaho*, and Titles IV and V of the Clean Air Act, DEQ issues this permit pursuant to IDAPA 58.01.300.

**[40 CFR 72.64]**

***SO<sub>2</sub> Allowance Allocations and NO<sub>x</sub> Requirements***

- 7.2 The Idaho Power Evander Andrews Complex is required to obtain SO<sub>2</sub> allowances (after deductions under 40 CFR 73.34(c)) not less than the total annual emissions of SO<sub>2</sub> for the previous calendar year from the unit, in accordance with 40 CFR 72.9(c). The source is not subject to NO<sub>x</sub> emission limitations under 40 CFR Part 76. In addition, the following requirements apply:

- Emissions from the facility shall not exceed any allowances that the source lawfully holds.
- No limit is placed on the number of allowances held by the source and no permit revisions shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided such increases do not require a permit revision under any other applicable requirement.
- The source may not, however, use allowances as a defense for noncompliance with any other applicable requirement.
- Any such allowance shall be accounted for according to the procedures established in 40 CFR Part 72 and 40 CFR Part 73.

**[40 CFR 72.9(c), 72.40(a), 72.50(a)(2), 72.50(a)(3), 76.1; IDAPA 58.01.01.322.12, 3/23/98]**

***Comments, Notes, and Justifications***

- 7.3 The Acid Rain Permit incorporates by reference the definitions and terms under 40 CFR 72.2.

**[40 CFR 72.50(b)]**

***Compliance with Permit Application***

- 7.4 Idaho Power shall comply with all elements required for a complete acid rain permit application as set forth in Idaho Power's EPA Phase II Acid Rain Permit Application, EPA Form 7610-16, which was signed and dated August 1, 2001. A copy of the acid rain permit application requirements is provided below. Copies of applicable requirements specified in 40 CFR Parts 72 through 78, which are included throughout this permit, were current as of the time of issuance. Where DEQ has provided a reprint of an applicable federal regulation, in the case of any discrepancy or conflict between the reprint and the CFR, the requirement in the CFR shall control.

**[40 CFR 72.9, 72.31(d), 72.50(a)(1)]**

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No. 039-00024</b>	<b>Date Issued:</b>	<b>September 9, 2005</b>
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	<b>September 9, 2010</b>

**7.5 Standard Requirements****(a) Permit Requirements**

- (1) The designated representative of each affected source and each affected unit at the source shall do the following:
  - (i) Submit a complete acid rain permit application (including a compliance plan) under this part in accordance with the deadlines specified in 40 CFR 72.30.
  - (ii) Submit, in a timely manner, a complete reduced-utilization plan if required under 40 CFR 72.43.
  - (iii) Submit, in a timely manner, any supplemental information that the permitting authority determines is necessary in order to review an acid rain permit application and issue or deny an acid rain permit.
- (2) The owners and operators of each affected source and each affected unit at the source shall do the following:
  - (i) Operate the unit in compliance with a complete acid rain permit application or a superseding acid rain permit issued by the permitting authority.
  - (ii) Have an acid rain permit.

**(b) Monitoring Requirements.**

- (1) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in Part 75 of this chapter.
- (2) The emissions measurements recorded and reported in accordance with Part 75 of this chapter shall be used to determine compliance by the unit with the acid rain emissions limitations and emissions reduction requirements for SO<sub>2</sub> and NO<sub>x</sub> under the Acid Rain Program.
- (3) The requirements of Part 75 of this chapter shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics that fall under other applicable requirements of the Clean Air Act and other provisions of the operating permit for the source.

**(c) Sulfur Dioxide Requirements.**

- (1) The owners and operators of each source and each affected unit at the source shall do the following:
  - (i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c) of this chapter) not less than the total annual emissions of SO<sub>2</sub> for the previous calendar year from the unit.
  - (ii) Comply with the applicable acid rain emissions limitation for SO<sub>2</sub>.
- (2) Each ton of SO<sub>2</sub> emitted in excess of the acid rain emissions limitations for SO<sub>2</sub> shall constitute a separate violation of the Clean Air Act.

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No. 039-00024</b>	<b>Date Issued:</b>	<b>September 9, 2005</b>
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	<b>September 9, 2010</b>

(3) An affected unit shall be subject to the requirements under Paragraph (c)(1) of this section as follows:

- (i) Starting January 1, 1995, an affected unit under 40 CFR 72.6(a)(1)
  - (ii) Starting on or after January 1, 1995, in accordance with 40 CFR 72.41 and 72.43, an affected unit under 40 CFR 72.6(a)(2) or (3) that is a substitution or compensating unit
  - (iii) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2) that is not a substitution or compensating unit
  - (iv) Starting on the later of January 1, 2000, or the deadline for monitor certification under Part 75 of this chapter, an affected unit under 40 CFR 72.6(a)(3) that is not a substitution or compensating unit
- (4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- (5) An allowance shall not be deducted, in order to comply with the requirements under Paragraph (c)(1)(i) of this section, prior to the calendar year for which the allowance was allocated.
- (6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit SO<sub>2</sub> in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the acid rain permit application, the acid rain permit, an exemption under 40 CFR 72.7 or 40 CFR 72.8, and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- (7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

**(d) NO<sub>x</sub> Requirements.**

The owners and operators of the source and each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

**(e) Excess Emissions Requirements.**

- (1) The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under Part 77 of this chapter.
- (2) The owners and operators of an affected unit that has excess emissions in any calendar year shall do the following:
  - (i) Pay the penalty required without demand, and pay the interest on that penalty upon demand, as required by Part 77 of this chapter.
  - (ii) Comply with the terms of an approved offset plan, as required by Part 77 of this chapter.

**(f) Recordkeeping and Reporting Requirements.**

- (1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site each of the following documents for a period of five years from the date the document is created. This period may be extended for cause any time prior to the end of five years, in writing, by the Administrator or permitting authority.

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No. 039-00024</b>	<b>Date Issued:</b>	<b>September 9, 2005</b>
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	<b>September 9, 2010</b>

- (i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24, provided that the certificate and documents shall be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative.
  - (ii) All emissions monitoring information, in accordance with Part 75 of this chapter, provided that to the extent Part 75 provides for a three-year period for recordkeeping, the three-year period shall apply.
  - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program.
  - (iv) Copies of all documents used to complete an acid rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- (2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under Subpart I of this part and Part 75 of this chapter.

**(g) Liability**

- (1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete acid rain permit application, an acid rain permit, or an exemption under 40 CFR 72.7 or 40 CFR 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to Section 113(c) of the Clean Air Act.
- (2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to Section 113(c) of the Clean Air Act and 18 U.S.C. 1001.
- (3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.
- (5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No. 039-00024</b>	<b>Date Issued:</b>	<b>September 9, 2005</b>
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	<b>September 9, 2010</b>

- (6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR 72.41 (substitution plans), 40 CFR 72.42 (Phase I extension plans), 40 CFR 72.43 (reduced utilization plans), 40 CFR 72.44 (Phase II repowering extension plans), 40 CFR 74.47 of this chapter (thermal energy plans), and 40 CFR 76.11 of this chapter (NO<sub>x</sub> averaging plans), and except with regard to the requirements applicable to units with a common stack under Part 75 of this chapter (including 40 CFR 75.16, 75.17, and 75.18 of this chapter), the owners and operators and the designated representative of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.
- (7) Each violation of a provision of this part; Parts 73, 74, 75, 76, 77, and 78 of this chapter; by an affected source or affected unit; or by an owner or operator or designated representative of such source or unit; shall be a separate violation of the Clean Air Act.

**(h) Effect on Other Authorities.**

No provision of the Acid Rain Program, an acid rain permit application, an acid rain permit, or an exemption under 40 CFR 72.7 or 40 CFR 72.8 shall be construed as the following:

- (1) Except as expressly provided in Title IV of the Clean Air Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Clean Air Act, including the provisions of Title I of the Act relating to applicable National Ambient Air Quality Standards or SIPs.
- (2) Limiting the number of allowances a unit can hold; provided, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Clean Air Act.
- (3) Requiring a change of any kind in any state law regulating electric utility rates and charges, affecting any state law regarding such state regulation, or limiting such state regulation, including any prudence review requirements under such state law.
- (4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act.
- (5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

**[IDAPA 58.01.01.322.12, 5/1/94; 40 CFR 72.9]**

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No.</b> 039-00024	<b>Date Issued:</b>	September 9, 2005
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	September 9, 2010

**8. TIER I OPERATING PERMIT GENERAL PROVISIONS*****General Compliance***

1. The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application.  
[IDAPA 58.01.01.322.15.a, 5/1/94; 40 CFR 70.6(a)(6)(i)]
2. It shall not be a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the terms and conditions of this permit.  
[IDAPA 58.01.01.322.15.b, 5/1/94; 40 CFR 70.6(a)(6)(ii)]
3. Any permittee who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.  
[IDAPA 58.01.01.315.01, 5/1/94; 40 CFR 70.5(b) and 72.61(b)(3)]

***Reopening***

4. This permit may be revised, reopened, revoked and reissued, or terminated for cause. Cause for reopening exists under any of the circumstances listed in IDAPA 58.01.01.386. Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable in accordance with IDAPA 58.01.01.360 through 369.  
[IDAPA 58.01.01.322.15.c, 5/1/94; IDAPA 58.01.01.386, 3/19/99; 40 CFR 70.7(f)(1) and (2); 40 CFR 70.6(a)(6)(iii)]
5. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.  
[IDAPA 58.01.01.322.15.d, 5/1/94; 40 CFR 70.6(a)(6)(iii)]

***Property Rights***

6. This permit does not convey any property rights of any sort, or any exclusive privilege.  
[IDAPA 58.01.01.322.15.e, 5/1/94; 40 CFR 70.6(a)(6)(iv)]

***Information Requests***

7. The permittee shall furnish all information requested by DEQ, within a reasonable time, that DEQ may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit.  
[Idaho Code §39-108; IDAPA 58.01.01.122, 5/1/94; IDAPA 58.01.01.322.15.f, 4/5/00; 40 CFR 70.6(a)(6)(v)]

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No. 039-00024</b>	<b>Date Issued:</b>	September 9, 2005
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	September 9, 2010

8. Upon request, the permittee shall furnish to DEQ copies of records required to be kept by this permit. For information claimed to be confidential, the permittee may furnish such records along with a claim of confidentiality in accordance with Idaho Code §39-342A and applicable implementing regulations including IDAPA 58.01.01.128.

[IDAPA 58.01.01.322.15.g, 5/1/94; IDAPA 58.01.01.128, 4/5/00; 40 CFR 70.6(a)(6)(v)]

**Severability**

9. The provisions of this permit are severable, and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

[IDAPA 58.01.01.322.15.h, 5/1/94; 40 CFR 70.6(a)(5)]

**Changes Requiring Permit Revision or Notice**

10. The permittee may not commence construction or modification of any stationary source, facility, major facility, or major modification without first obtaining all necessary permits to construct or an approval under IDAPA 58.01.01.213, or complying with IDAPA 58.01.01.220 through 223. The permittee shall comply with IDAPA 58.01.01.380 through 386 as applicable.

[IDAPA 58.01.01.200-223, 4/5/00; IDAPA 58.01.01.322.15.i and 380-386, 3/19/99; 40 CFR 70.4(b)(12), (14) and (15); 40 CFR 70.7(d) and (e)]

11. Changes that are not addressed or prohibited by the Tier I operating permit require a Tier I operating permit revision if such changes are subject to any requirement under Title IV of the CAA, 42 USC Section 7651 through 7651c, or are modifications under Title I of the CAA, 42 USC Section 7401 through 7515. Administrative amendments (IDAPA 58.01.01.381), minor permit modifications (IDAPA 58.01.01.383), and significant permit modifications (IDAPA 58.01.01.382) require a revision to the Tier I operating permit. Clean Air Act section 502(b)(10) changes are authorized in accordance with IDAPA 58.01.01.384. Off-permit changes and required notice are authorized in accordance with IDAPA 58.01.01.385.

[IDAPA 58.01.01.381-385, 3/19/99; IDAPA 58.01.01.209.05, 5/1/94; 40 CFR 70.4(b)(14) and (15)]

**Federal and State Enforceability**

12. Unless specifically identified as a "state-only" provision, all terms and conditions in this permit, including any terms and conditions designed to limit a source's potential to emit, are enforceable: (i) by DEQ in accordance with state law; and (ii) by the United States or any other person in accordance with federal law.

[IDAPA 58.01.01.322.15.j, 5/1/94; 40 CFR 70.6(b)(1) and (2)]

13. Provisions specifically identified as a "state-only" provision are enforceable only in accordance with state law. "State-only" provisions are those that are not required under the Federal Clean Air Act or under any of its applicable requirements or those provisions adopted by the state prior to federal approval.

[Idaho Code §39-108; IDAPA 58.01.01.322.15.k, 3/23/98]



**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No. 039-00024</b>	<b>Date Issued:</b>	<b>September 9, 2005</b>
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	<b>September 9, 2010</b>

***Inspection and Entry***

14. Upon presentation of credentials, the permittee shall allow DEQ or an authorized representative of DEQ to do the following:
- 14.1 Enter upon the permittee's premises where a Tier I source is located or emissions related activity is conducted, or where records are kept under conditions of this permit;
- 14.2 Have access to and copy, at reasonable times, any records that are kept under the conditions of this permit;
- 14.3 Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
- 14.4 As authorized by the Idaho Environmental Protection and Health Act, sample or monitor, at reasonable times, substances or parameters for the purpose of determining or ensuring compliance with this permit or applicable requirements.

**[Idaho Code §39-108; IDAPA 58.01.01.322.15.i, 3/19/99; 40 CFR 70.6(c)(2)]**

***New Requirements during Permit Term***

15. The permittee shall comply with applicable requirements that become effective during the permit term on a timely basis.

**[IDAPA 58.01.01.322.10, 4/5/00; IDAPA 58.01.01.314.10.a.ii, 5/1/94;  
40 CFR 70.6(c)(3) citing 70.5(c)(8)]**

***Fees***

16. The owner or operator of a Tier I source shall pay annual registration fees to DEQ in accordance with IDAPA 58.01.01.387 through IDAPA 58.01.01.397.

**[IDAPA 58.01.01.322.15.n, 5/1/94; 40 CFR 70.6(a)(7)]**

***Certification***

17. All documents submitted to DEQ shall be certified in accordance with IDAPA 58.01.01.123 and comply with IDAPA 58.01.01.124.

**[IDAPA 58.01.01.322.15.o, 5/1/94; 40 CFR 70.6(a)(3)(iii)(A); 40 CFR 70.5(d)]**

***Renewal***

- 18.1 The owner or operator of a Tier I source shall submit a complete application to DEQ for a renewal of this permit at least six months before, but no earlier than 18 months before, the expiration date of this operating permit. To ensure that the term of the operating permit does not expire before the permit is renewed, the owner or operator is encouraged to submit a renewal application nine months prior to the date of expiration.

**[IDAPA 58.01.01.313.03, 4/5/00; 40 CFR 70.5(a)(1)(iii)]**

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No. 039-00024</b>	<b>Date Issued:</b>	<b>September 9, 2005</b>
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	<b>September 9, 2010</b>

- 18.2 If a timely and complete application for a Tier I operating permit renewal is submitted, but DEQ fails to issue or deny the renewal permit before the end of the term of this permit, then all the terms and conditions of this permit including any permit shield that may have been granted pursuant to IDAPA 58.01.01.325 shall remain in effect until the renewal permit has been issued or denied.  
[IDAPA 58.01.01.322.15.p, 5/1/94; 40 CFR 70.7(b)]

***Permit Shield***

19. Compliance with the terms and conditions of the Tier I operating permit, including those applicable to all alternative operating scenarios and trading scenarios, shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that:
- Such applicable requirements are included and are specifically identified in the Tier I operating permit; or
  - The DEQ has determined that other requirements specifically identified are not applicable and all of the criteria set forth in IDAPA 58.01.01.325.01(b) have been met.
- 19.2 The permit shield shall apply to permit revisions made in accordance with IDAPA 58.01.01.381.04 (administrative amendments incorporating the terms of a permit to construct), IDAPA 58.01.01.382.04 (significant modifications), and IDAPA 58.01.01.384.03 (trading under an emissions cap).
- 19.3 Nothing in this permit shall alter or affect the following:
- 19.3.1 Any administrative authority or judicial remedy available to prevent or terminate emergencies or imminent and substantial dangers;
- 19.3.2 The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
- 19.3.3 The applicable requirements of the acid rain program, consistent with 42 U.S.C. Section 7651(g)(a); and
- 19.3.4 The ability of EPA to obtain information from a source pursuant to Section 114 of the CAA; or the ability of DEQ to obtain information from a source pursuant to Idaho Code §39-108 and IDAPA 58.01.01.122.

[Idaho Code §39-108 and 112; IDAPA 58.01.01.122, 322.15.m, and 325, 5/1/94;  
IDAPA 58.01.01.381.04, 382.04, 383.05, 384.03, and 385.03, 3/19/99; 40 CFR 70.6(f)]

***Compliance Schedule and Progress Reports***

- 20.1 For each applicable requirement for which the source is not in compliance, the permittee shall comply with the compliance schedule incorporated in this permit.
- 20.2 For each applicable requirement that will become effective during the term of this permit and that provides a detailed compliance schedule, the permittee shall comply with such requirements in accordance with the detailed schedule.
- 20.3 For each applicable requirement that will become effective during the term of this permit that does not contain a more detailed schedule, the permittee shall meet such requirements on a timely basis.

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No. 039-00024</b>	<b>Date Issued:</b>	<b>September 9, 2005</b>
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	<b>September 9, 2010</b>

- 20.4 For each applicable requirement with which the permittee is in compliance, the permittee shall continue to comply with such requirements.  
[IDAPA 58.01.01.322.10, 4/5/00; IDAPA 58.01.01.314.9 and 10, 5/1/94; 40 CFR 70.6(c)(3) and (4)]

***Periodic Compliance Certification***

21. The permittee shall submit compliance certifications during the term of the permit for each emissions unit to DEQ and the EPA as follows:
- 21.1 The permittee's reporting period for annual compliance certifications for all emissions units shall be from January 1 to December 31 of each year. The compliance certifications shall be submitted to DEQ and a copy of all compliance certifications shall be submitted to the EPA within 30 days of the end of the specified reporting period;
- 21.2 The compliance certification for each emissions unit shall address all of the terms and conditions contained in the Tier I operating permit that are applicable to such emissions unit including emissions limitations, standards, and work practices;
- 21.3 The compliance certification shall be in an itemized form providing the following information (provided that the identification of applicable information may cross-reference the permit or previous reports as applicable):
- 21.3.1 The identification of each term or condition of the Tier I operating permit that is the basis of the certification;
- 21.3.2 The identification of the method(s) or other means used by the owner or operator for determining the compliance status with each term and condition during the certification period. Such methods and other means shall include, at a minimum, the methods and means required by this permit;
- 21.3.3 The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the method or means designated in Paragraph 21.3.2 above. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under 40 CFR 64 occurred;
- 21.3.4 Such other facts as DEQ may require to determine the compliance status of the source.  
[IDAPA 58.01.01.322.11, 2/5/04T; 40 CFR 70.6(c)(5)(iii) as amended;  
62 Fed. Reg. 54900 and 54946, 10/22/97; 40 CFR 70.6(c)(5)(iv)]

***False Statements***

22. No person shall knowingly make any false statement, representation, or certification in any form, notice, or report required under this permit, or any applicable rule or order in force pursuant thereto.  
[IDAPA 58.01.01.125, 3/23/98]

**AIR QUALITY TIER I OPERATING PERMIT No. T1- 020041**

<b>Permittee:</b>	Idaho Power	<b>Facility ID No.</b> 039-00024	<b>Date Issued:</b>	<b>September 9, 2005</b>
<b>Location:</b>	Mt. Home, Idaho		<b>Date Expires:</b>	<b>September 9, 2010</b>

***No Tampering***

23. No person shall knowingly render inaccurate any monitoring device or method required under this permit or any applicable rule or order in force pursuant thereto.

[IDAPA 58.01.01.126, 3/23/98]

***Semi-annual Monitoring Reports***

24. In addition to all applicable reporting requirements identified in this permit, the permittee shall submit reports of any required monitoring at least every six months. The permittee's semiannual reporting periods shall be from January 1 to June 30 to and July 1 to December 31. All instances of deviations from this operating permit's requirements must be clearly identified in the report. The semiannual reports shall be submitted to DEQ within 30 days of the end of the specified reporting period.

[IDAPA 58.01.01.322.15.q, 3/23/98; IDAPA 58.01.01.322.08.c, 4/5/00; 40 CFR 70.6(a)(3)(iii)]

***Reporting Deviations and Excess Emissions***

25. The permittee shall promptly report all deviations from permit requirements including upset conditions, their probable cause, and any corrective actions or preventive measures taken. For excess emissions, the report shall be made in accordance with IDAPA 58.01.01.130-136. For all other deviations, the report shall be made in accordance with IDAPA 58.01.01.322.08.c, unless otherwise specified in this permit.

[IDAPA 58.01.01.322.15.q, 3/23/98; IDAPA 58.01.01.135, 4/5/00; 40 CFR 70.6(a)(3)(iii)]

***Permit Revision Not Required***

26. No permit revision shall be required under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit.

[IDAPA 58.01.01.322.05.b, 4/5/00; 40 CFR 70.6(a)(8)]

***Emergency***

27. In accordance with IDAPA 58.01.01.332, an "emergency" as defined in IDAPA 58.01.01.008, constitutes an affirmative defense to an action brought for noncompliance with such technology-based emissions limitation if the conditions of IDAPA 58.01.01.332.02 are met.

[IDAPA 58.01.01.332.01, 3/19/99; 40 CFR 70.6(g)]